

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In Re: James Louis Bland, Sr

Case No. 21-32562-KRH  
Chapter 13

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Atlantic Bay Mortgage Group, LLC.,  
Movant

vs.

James Louis Bland, Sr, Debtor  
Suzanne E. Wade, Trustee  
Respondent(s)

**MOTION FOR RELIEF FROM AUTOMATIC STAY  
Real Property at 5121 Tiffanywoods Court, Richmond, Virginia 23223**

Comes now Atlantic Bay Mortgage Group, LLC., Movant herein, by Abby K. Moynihan, Esq., its attorney and respectfully represents:

1. This Motion is filed pursuant to 11 U.S.C. Sec. 362 d through f, and 28 U.S.C. Section 1334 and Section 157, giving this Court jurisdiction to grant relief from the Automatic Stay for cause and/or to prevent irreparable damage to the interest of a secured creditor in the property of the Debtor.

2. The Movant is the holder of a Note secured by a Deed of Trust dated July 18, 2017, and recorded among the land records of County of Henrico, Virginia, and which encumbers the property of the Debtor at 5121 Tiffanywoods Court, Richmond, Virginia 23223.

**ALL that certain lot, piece or parcel of land, with improvements thereon and appurtenances thereto belonging, lying and being in Fairfield District, Henrico County, Virginia, and being known as Lot 23, Block I, in Section H, of Tiffany Meadows Subdivision, shown on a plat of survey made by Youngblood, Tyler & Associates, Consulting Engineers, dated September 10, 1985, recorded December 13, 1985, in the Clerk's Office, Circuit Court, Henrico County, Virginia, in Plat Book 81, page 106, reference to which is made for a more particular description of such lot.**

**And Being the same property conveyed to the Grantors' and recorded immediately prior hereto.**

3. The current amount due is \$99,866.87, which includes interest, late charges and legal fees and costs.

4. The Debtor has failed to pay the post-petition payments for the months of September 2021 to November 2021, so that the amount now due is \$2,486.04. The current monthly payment is \$828.68.

5. The Movant contends therefore that the stay should be lifted for cause and that it is inadequately protected by the Debtor's failure to make the post-petition payments.

6. Atlantic Bay Mortgage Group, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor(s) obtain(s) a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of the Movant. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. The Movant is also the original mortgagee or beneficiary or the assignee of the Deed of Trust.

WHEREFORE, the Movant prays this Honorable Court to issue an Order

1. Lifting the Automatic Stay as to the Debtor's property at 5121 Tiffanywoods Court, Richmond, Virginia 23223, so that the Movant can proceed with the foreclosure of its Deed of Trust; or alternatively

2. For such other and further relief as the Court deems appropriate.

### NOTICE

Please take notice that the defendant herein is required to file an answer to this Motion with the Clerk, U.S. Bankruptcy Court, U.S. Bankruptcy Court, 701 East Broad Street, Suite 4000, Richmond, VA 23219, within **fourteen (14)** days of the date of service hereof.

If you do not file a written response by the deadline indicated, the law provides that the stay protecting you from further legal action against you by the Creditor will automatically terminate.

/s/ Abby K. Moynihan, Esq.

Abby K. Moynihan, Esq.

Attorney for Movant

Bar No. 79686

McCabe, Weisberg & Conway, LLC

312 Marshall Avenue, Suite 800

Laurel, MD 20707

301-490-1196

bankruptcyva@mwc-law.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of November, 2021 I reviewed the Court's CM/ECF system and it reports that an electronic copy of the foregoing pleading will be served electronically by the Court's CM/ECF system on the following:

Suzanne E. Wade  
341 Dial 877-996-8484 Code 2385911  
7202 Glen Forest Drive, Ste. 202  
Richmond, Virginia 23226

James E. Kane  
Kane & Papa, PC  
1313 East Cary Street  
P.O. Box 508  
Richmond, Virginia 23218-0508

I hereby further certify that on the 22<sup>nd</sup> day of November, 2021, a copy of the foregoing pleading was also mailed first class mail, postage prepaid to:

James Louis Bland, Sr  
3300 Richmond Henrico Turnpike  
Richmond, Virginia 23222  
(Via U.S Mail)

/s/ Abby K. Moynihan, Esq.  
Abby K. Moynihan, Esq.